

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7769 of 2023

Arising Out of PS. Case No.-84 Year-2020 Thana- RAUTARA District- Katihar

MD. ASHIQUE @ ASIF S/o Md. Ainul Haque R/o Village- Chanpi, P.O. and
P.S-- Rautara, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Rautara PS case no. 84 of 2020, registered
for the offences punishable under Sections 376, 504 of the
Indian Penal Code.

The case of the prosecution in brief, according to
the informant is that the petitioner had enticed the daughter of
the informant and on the pretext of solemnizing marriage with
her, had taken her to Mumbai and after 25 days, the daughter of
the informant had rang her on phone and told her that the
petitioner has forcibly established physical relationship with her,
whereafter the husband of the informant had gone to Mumbai
and brought her daughter back to his home.



The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the victim girl is a divorcee and her parents had, after hatching a conspiracy, married the petitioner forcibly with her and moreover, the F.I.R. has been lodged after a delay of more than a month, hence, the petitioner is entitled to the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and submitted by referring to the impugned order dated 14.12.2022 that the victim girl, in her statement made under Section 164 Cr.P.C., before the learned Magistrate, has stated that the petitioner had seduced her on the pretext of marriage, kidnapped her and committed rape upon her, hence, the petitioner does not deserve the privilege of anticipatory bail

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the victim girl, in her statement made under Section 164 Cr.P.C., before the learned



Magistrate, has specifically stated that the petitioner had enticed her and raped her, this Court finds that *prima facie*, offence, as alleged, is definitely made out *qua* the petitioner herein, hence the present case is not a fit case for grant of anticipatory bail, accordingly the same stands dismissed.

(Mohit Kumar Shah, J)

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